

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

#### ADDRESSES

##### Borough of Lake City

Maps are available for inspection at the Municipal Building, 2350 Main Street, Lake City, PA 16423.

##### Township of Girard

Maps are available for inspection at the Municipal Building, 10140 West Ridge Road, Girard, PA 16417.

##### Township of Harborcreek

Maps are available for inspection at the Township Building, 5601 Buffalo Road, Harborcreek, PA 16421.

##### Township of Lawrence Park

Maps are available for inspection at the Lawrence Park Township Office, 4230 Iroquois Avenue, Erie, PA 16511.

##### Township of North East

Maps are available for inspection at the Township Main Office, 1300 West Main Road, North East, PA 16428.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 8, 2012.

##### Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-20648 Filed 8-21-12; 8:45 am]

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#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket ID FEMA-2012-0003; Internal Agency Docket No. FEMA-B-1213]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** On August 25, 2011, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. On October 4, 2011, a correction to that original notice was published in the **Federal Register**. This notice provides corrections to that initial table and the correction notice, to be used in lieu of the information published at 76 FR 53082 and at 76 FR 61295. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Smith County, Texas, and Incorporated Areas. Specifically, it

addresses the flooding sources: Black Fork Creek, Black Fork Creek Tributary BF-1, Black Fork Creek Tributary BF-M-1, Black Fork Creek Tributary D, Black Fork Creek Tributary D-1, Black Fork Creek Tributary D-2, Black Fork Creek Tributary D-3, Butler Creek, Gilley Creek, Gilley Creek Tributary G-1, Harris Creek, Henshaw Creek, Indian Creek, Ray Creek, Shackelford Creek, West Mud Creek, West Mud Creek Tributary 11, West Mud Creek Tributary B, West Mud Creek Tributary M-1, West Mud Creek Tributary M-2, West Mud Creek Tributary M-A, West Mud Creek Tributary M-A.1, West Mud Creek Tributary M-A.2, West Mud Creek Tributary M-C, West Mud Creek Tributary M-C.1, West Mud Creek Tributary M-C.2, Wiggins Creek, and Willow Creek.

**DATES:** Comments are to be submitted on or before November 20, 2012.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA-B-1213, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [luis.rodriquez3@fema.dhs.gov](mailto:luis.rodriquez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [luis.rodriquez3@fema.dhs.gov](mailto:luis.rodriquez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency

(FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

#### Correction

In the proposed rule published at 76 FR 53082, in the August 25, 2011 issue of the **Federal Register**, and in the correction notice published at 76 FR 61295, in the October 4, 2011 issue, FEMA published a table and its corrections under the authority of 44 CFR 67.4. The table, entitled "Smith County, Texas, and Incorporated Areas" addressed the flooding sources: Black Fork Creek, Black Fork Creek Tributary BF-1, Black Fork Creek Tributary BF-

M-1, Black Fork Creek Tributary D, Black Fork Creek Tributary D-1, Black Fork Creek Tributary D-2, Black Fork Creek Tributary D-3, Black Fork Creek Tributary D-4, Black Fork Creek Tributary D-5, Butler Creek, Gilley Creek, Gilley Creek Tributary G-1, Harris Creek, Henshaw Creek, Indian Creek, Ray Creek, Shackelford Creek, West Mud Creek, West Mud Creek Tributary 11, West Mud Creek Tributary B, West Mud Creek Tributary M-1, West Mud Creek Tributary M-2, West Mud Creek Tributary M-A, West Mud Creek Tributary M-A.1, West Mud Creek Tributary M-A.2, West Mud Creek

Tributary M-C, West Mud Creek Tributary M-C.1, West Mud Creek Tributary M-C.2, Wiggins Creek, and Willow Creek. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, and/or communities affected for the flooding sources: Black Fork Creek Tributary D, Black Fork Creek Tributary D-1, Black Fork Creek Tributary D-2, Black Fork Creek Tributary D-3, Harris Creek, Indian Creek, Shackelford Creek, West Mud Creek, West Mud Creek Tributary 11, West Mud Creek Tributary B, West Mud Creek Tributary M-1, West Mud

Creek Tributary M-A.1, West Mud Creek Tributary M-A.2, West Mud Creek Tributary M-C, West Mud Creek Tributary M-C.1, West Mud Creek Tributary M-C.2, and Willow Creek. The table also contained two flooding sources, Black Fork Creek Tributary D-4 and Black Fork Creek Tributary D-5, which were removed from the original publication. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

**Smith County, Texas, and Incorporated Areas**

Black Fork Creek .....	Approximately 0.43 mile upstream of the Prairie Creek West confluence.	None	+380	City of Tyler, Unincorporated Areas of Smith County.
Black Fork Creek Tributary BF-1.	Approximately 0.71 mile upstream of East 5th Street At the Black Fork Creek confluence .....	+530 +434	+531 +436	
Black Fork Creek Tributary BF-M-1.	Approximately 1.2 miles upstream of Loop 323 .....	None	+476	City of Tyler.
Black Fork Creek Tributary D	At the Black Fork Creek confluence .....	+495	+496	
Black Fork Creek Tributary D-1.	Approximately 1,475 feet upstream of Devine Street .. At the Black Fork Creek confluence .....	None	+523	City of Tyler.
Black Fork Creek Tributary D-2.	Approximately 1,180 feet upstream of East Front Street. At the Black Fork Creek Tributary D confluence .....	+468 +477	+469 +473	
Black Fork Creek Tributary D-3.	At the Black Fork Creek Tributary D confluence .....	+477	+479	City of Tyler.
Butler Creek .....	Approximately 1,770 feet upstream of the Black Fork Creek Tributary D confluence. At the Black Fork Creek Tributary D confluence .....	+488	+487	
Gilley Creek .....	Approximately 1,053 feet upstream of Townsend Avenue. At the Black Fork Creek Tributary D confluence .....	+488	+490	City of Tyler.
Gilley Creek Tributary G-1 ...	At Elm Street .....	+492	+488	
Harris Creek .....	Approximately 340 feet upstream of FM 2661 .....	None	+361	City of Tyler, Unincorporated Areas of Smith County.
Henshaw Creek .....	Approximately 640 feet upstream of State Route 155	None	+457	
	Approximately 310 feet downstream of FM 848 .....	None	+379	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 150 feet upstream of University Boulevard. At the Gilley Creek confluence .....	None	+474	
	Approximately 1.14 miles upstream of County Road 2120.	None	+426	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 300 feet upstream of the Ray Creek confluence.	None	+478	
	Approximately 2.16 miles upstream of FM 850 .....	None	+329	Unincorporated Areas of Smith County.
	At the West Mud Creek confluence .....	+381	+463	
			+383	Unincorporated Areas of Smith County.

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Indian Creek .....	Approximately 0.71 mile upstream of County Road 165.	+475	+477	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 490 feet upstream of the Lake Palestine confluence.	None	+349	
Ray Creek .....	Approximately 1,950 feet upstream of Loop 323 .....	None	+473	Unincorporated Areas of Smith County.
	Approximately 0.37 mile upstream of the Harris Creek confluence.	None	+332	
Shackleford Creek .....	Approximately 525 feet upstream of Old Gladwater Highway.	None	+436	City of Tyler, Unincorporated Areas of Smith County.
	At the West Mud Creek confluence .....	+380	+383	
West Mud Creek .....	Approximately 620 feet upstream of Paluxy Drive (FM 756).	None	+481	City of Tyler, Unincorporated Areas of Smith County.
	Approximately 200 feet upstream of FM 344 East .....	+360	+361	
West Mud Creek Tributary 11	Approximately 1,300 feet upstream of Easy Street .....	+495	+496	City of Tyler.
	At the West Mud Creek confluence .....	+417	+419	
West Mud Creek Tributary B	Approximately 400 feet upstream of Holly Creek Drive	None	+462	City of Tyler.
	Approximately 125 feet upstream of the West Mud Creek confluence.	+468	+467	
West Mud Creek Tributary M-1.	Approximately 125 feet upstream of Paluxy Drive .....	+505	+504	City of Tyler.
	At the West Mud Creek Tributary M-A confluence .....	+442	+444	
West Mud Creek Tributary M-2.	Approximately 1,440 feet upstream of Cross Creek Circle.	+487	+485	City of Tyler.
	Approximately 425 feet upstream of the West Mud Creek confluence.	+464	+463	
West Mud Creek Tributary M-A.	Approximately 1,510 feet upstream of Barbee Drive ...	+481	+469	City of Tyler.
	Approximately 200 feet upstream of the West Mud Creek confluence.	+445	+444	
West Mud Creek Tributary M-A.1.	Approximately 80 feet upstream of Woodland Hills Drive.	None	+509	City of Tyler.
	At the West Mud Creek Tributary M-A confluence .....	+472	+471	
West Mud Creek Tributary M-A.2.	Approximately 680 feet upstream of Rice Road .....	+487	+485	City of Tyler.
	At the West Mud Creek Tributary M-A confluence .....	None	+487	
West Mud Creek Tributary M-C.	Approximately 830 feet upstream of the West Mud Creek Tributary M-A confluence.	None	+493	City of Tyler.
	Approximately 450 feet upstream of the West Mud Creek confluence.	+478	+477	
West Mud Creek Tributary M-C.1.	Approximately 50 feet upstream of Old Jacksonville Highway.	None	+530	City of Tyler.
	Approximately 160 feet upstream of the West Mud Creek Tributary M-C confluence.	+489	+488	
West Mud Creek Tributary M-C.2.	Approximately 1,010 feet upstream of New Copeland Road.	+490	+491	City of Tyler.
	At the West Mud Creek Tributary M-C confluence .....	None	+502	
Wiggins Creek .....	Approximately 1,000 feet upstream of Old Bullard Road.	None	+511	Unincorporated Areas of Smith County.
	At the downstream side of the railroad .....	None	+327	
Willow Creek .....	Approximately 0.83 mile upstream of Harris Creek Church Road.	None	+373	City of Tyler, Unincorporated Areas of Smith County.
	At the Black Fork Creek confluence .....	+419	+423	
	Approximately 1.48 miles upstream of Loop 323 North-Northwest.	+482	+480	

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\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

\*\* BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

#### ADDRESSES

##### City of Tyler

Maps are available for inspection at the Development Services Office, 423 West Ferguson Street, Tyler, TX 75702.

##### Unincorporated Areas of Smith County

Maps are available for inspection at the Smith County Courthouse, 100 North Broadway Avenue, Tyler, TX 75702.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: August 8, 2012.

**Sandra K. Knight,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2012-20646 Filed 8-21-12; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 544

[Docket No. NHTSA-2012-0096]

RIN 2127-AL22

#### Withdrawal of Proposed Rule on Insurer Reporting Requirements; List of Insurers Required To File Reports

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This document withdraws a proposed rule published on May 14, 2012, that was intended to implement the requirements contained in Title 49 U.S.C. 33112 of the Insurer Reporting Requirements. This proposed rule required insurers to file reports on their motor vehicle theft loss experiences. An insurer included in any of the appendices that appeared in the proposed rule would be required to file three copies of its report for the 2009

calendar year before October 25, 2012. If the passenger motor vehicle insurers remain listed, they would submit reports by each subsequent October 25. Congress subsequently repealed Title 49 U.S.C. 33112 of the Insurer Reporting Requirements.

**DATES:** The proposed rule is withdrawn as of August 22, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, or by electronic mail to [Carlita.Ballard@dot.gov](mailto:Carlita.Ballard@dot.gov). Ms. Ballard's telephone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** Congress enacted the Motor Vehicle Theft Law Enforcement Act of 1984 (Pub. L. 98-547). This legislation added a new Title VI to the Motor Vehicle Information and Cost Savings Act which required the Department of Transportation to promulgate a Theft Prevention Standard for selected passenger cars exhibiting high theft rates. Pursuant to Title 49 U.S.C., Section 33112, *Insurer reports and information*, NHTSA requires certain passenger motor vehicle insurers to file an annual report with the agency. Each insurer's report includes information about thefts and recoveries of motor vehicles, the rating rules used by the insurer to establish premiums for comprehensive coverage, the actions taken by the insurer to reduce such premiums, and the actions taken by the insurer to reduce or deter theft. Under the agency's regulation, 49 CFR Part

544, the following insurers are subject to the reporting requirements:

- (1) Issuers of motor vehicle insurance policies whose total premiums account for 1 percent or more of the total premiums of motor vehicle insurance issued within the United States;
- (2) Issuers of motor vehicle insurance policies whose premiums account for 10 percent or more of total premiums written within any one state; and
- (3) Rental and leasing companies with a fleet of 20 or more vehicles not covered by theft insurance policies issued by insurers of motor vehicles, other than any governmental entity.

Section 33112(f)(2) provided that the agency shall exempt small insurers of passenger motor vehicles if NHTSA found that such exemptions would not significantly affect the validity or usefulness of the information in the reports, either nationally or on a state-by-state basis. The term "small insurer" is defined, in Section 33112(f)(1)(A) and (B), as an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including pooling arrangements established under state law or regulation for the issuance of motor vehicle insurance, account for less than 1 percent of the total premiums for all forms of motor vehicle insurance issued by insurers within the United States. However, that section also stipulated that if an insurance company satisfied this definition of a "small insurer," but accounted for 10 percent or more of the total premiums for all motor vehicle insurance issued in a particular state, the insurer must report about its operations in that state.